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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 09/736,670 | 12/13/2000 | Michael J. Lowell | AUTOB.104A | 8011 |

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| EXAMINER | |
|---|---|
| PATEL, JAGDISH | |
| **ART UNIT** | **PAPER NUMBER** |
| 3624 | |

DATE MAILED: 01/27/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

| Office Action Summary | Application No. | Applicant(s) | |
|---|---|---|---|
| | 09/736,670 | LOWELL ET AL. | |
| | Examiner | Art Unit | |
| | JAGDISH PATEL | 3624 | |

*-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --*

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

1)☒ Responsive to communication(s) filed on *04 November 2004*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

4)☒ Claim(s) *1-22* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-22* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

**Application Papers**

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

## DETAILED ACTION

1. This communication is in response to amendment filed 11/4/2004.

### *Response to Amendment*

2. Claims 1 and 12 have been amended per request.

### *Response to Arguments*

3. Applicant's arguments with respect to rejection under 103(a) of claims 1-22 have been considered but are moot in view of the new ground(s) of rejection. (See text of 103 rejections below.)

### *Claim Rejections - 35 USC § 103*

4. Claims 1-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tolz (WO 00/43933) and further in view of Gindlesperger.

As per claim 1 Tolz discloses an online system for ordering services comprising:

an input module to receive a service request order from a customer, the service request order comprising information indicative of the customer's geographical location ( p. 9 L 11-23, service request is buyer's bid for a service, see Fig. 2(a), step 102 where the customer's geographical location is specified as "latitude/longitude location" or "street address", see also p. 10 L 13-28);

a processing module adapted to determine a plurality of service businesses based on the

information ( p. 15 L 6-14, Figure 4 which shows plurality of service businesses which are based on the geographic location of the customer );

Tolz, fails to teach a transmission module and an estimation module as per claimed invention. However, Gindlesperger, in the same field of endeavor, discloses a system for ordering services which comprises:

a transmission module adapted to electronically transmit the service request order to the plurality of service businesses (The PrintProSys.SM. server then transmits a vendor's invitation-for-bid data to each vendor in the buyer's vendor pool whose vendor capability data field meets the vendor selection criteria data extracted from the buyer's invitation-for-bid data.);

an estimation module adapted to receive service estimates from the plurality of service businesses (Next, the PrintProSys.SM. server receives a plurality of responding bid data, each being from a corresponding one of the plurality of vendors to whom a vendor invitation-for-bid data was transmitted, and each representing the transmitting vendor's price for the particular print information goods or services requested.).

It would have been obvious to one of ordinary skill in the art at the time of invention in view of Gindlesperger to have the combine incorporate the transmission module and the estimation module Tolz because this combination would enable the customer to specify a desired geographic limitation within which he is willing to purchase services based the service estimates from the businesses located within the specified geographic distance.

Claim 2 Tolz teaches input module comprises a HTML running in an Internet browser ( see Fig. 1(b), p. 8 L 13+).

Claim 3 while Tolz in combination with Gindlesperger teaches online system for ordering goods and services. It however, fails to teach that the service request order comprises a make model and year of an automobile.

However, it is noted that the cited references are concerned with solving the same problem as the subject claim(s) deals with, namely online ordering of services. A prior art reference is analogous if the reference is in the field of applicant's endeavor or, if not, the reference is reasonably pertinent to the particular problem with which the inventor was concerned. In re Oetiker, 977 F.2d 1443, 1446, 24 USPQ2d 1443, 1445 (Fed. Cir. 1992).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify Tolz system of online ordering for any type of service including automobile.

Claim 4. The processing module resides on an Internet server (see Tolz, Figure 1(a), server 20 connected to users 12a-n).

Claim 5. Tolz and Gindlesperger as analyzed in claim 1 fail to teach that the plurality of service businesses are determined by gathering service businesses with same zip codes as the customer.

However, official notice is taken that gathering service businesses with same zip codes as the customer who is seeking merchants for goods and services is old and well known.

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the combination of aforementioned references to determine the service businesses by comparing zip codes per claim 5 because it would enable the customer to locate businesses within same zip code, in other words same region as the customer is residing.

Claim 6. wherein the transmission module is ..order across the Internet (col. 7 L 17-22 ..the Internet).

as analyzed in claim 1 fail to teach that the plurality of service businesses are determined by gathering service businesses with same zip codes as the customer.

However, official notice is taken that gathering service businesses with same zip codes as the customer who is seeking merchants for goods and services is old and well known.

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the combination of aforementioned references to determine the service businesses by comparing zip codes per claim 5 because it would enable the customer to locate businesses within same zip code, in other words same region as the customer is residing.

Claim 6. wherein the transmission module is ..order across the Internet (see Gindlesperger col. 7 L 17-22 ..the Internet).

Claim 7-8. Tolz implicitly teaches various features of communication of service orders and service estimates over the Internet having formats such as "structured document", XML document, HTML page (see Detailed Description p. 7 and 8 noting that these features are well known in the Web based communication protocols).

5. Claims 9-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tolz in view of Gindlesperger and further in view of Cupps.

Claims 9-10 Gindlesperger and Tolz fails to teach however, Cupps teaches a page preparation module adapted to generate a Hypertext Markup Language (HTML) page and comprising instructions for electronically sending a link to the generated HTML page (see Cupps col. 8 L 41- col. 9 L 33 for details). In view of Gindlesperger teaching that a plurality of service businesses providing estimates based upon customer for services it would have been obvious to one of ordinary skill in the art at the time of the invention to modify Gindlesperger and Tolz to incorporate a page preparation module per teaching of Cupps to generate a Hypertext Markup Language (HTML) page and comprising instructions for electronically sending a link to the generated HTML page to the customer because this modification would allow the creation of web pages customized for a particular customer's needs and would provide easy access to the desired service

businesses who have provided estimates for the customer's service order.

6. Regarding claim 11, Gindlesperger, Tolz and Cupps as analyzed in claim 10 fail to disclose a telephone reminder module as per the claim. However, it is old and well known to remind a customer if he or she fails to respond to certain advertisement or routine telephone call concerning routine repair and maintenance of vehicles or appliances.

It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate a telephone reminder module as per the official notice to contact the customer who fails to view the generated HTML page(i.e. at least acknowledge receipt of the estimate from the businesses) because it would ensure that the customer are reminded that they have received the estimates which should be acted upon.

6. Claims 12-22 recite method steps or processes, which are carried out by respective elements of the system claims 1-11.

Accordingly claims 12-22 are analyzed per respective system claims 1-11.

(Note since the system claims are not recited to a structure conforming to 112(sixth) requirements (means plus function format), it is acceptable to treat the method claims as being equivalent counterpart of the respective system claims.)

***Conclusion***

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL.** See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JAGDISH PATEL whose telephone number is (703)308-7837. The examiner can normally be reached on 800AM-600PM M-Th.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vincent Millin can be reached on (703)308-1065. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Jagdish N. Patel
(Primary Examiner, AU 3624)
1/21/05